

## **II. REMARKS**

### **Formal Matters**

Claims 1-11, 13-21, 23, 61-85 and 87-102 are pending after entry of the amendments set forth herein.

Claims 1, 2, 14, 15, and 87 are amended. The amendments to the claims were made solely in the interest of expediting prosecution, and are not to be construed as acquiescence to any objection or rejection of any claim. Support for the amendments to the above-noted claims is found in the claims as originally filed, and throughout the specification, in particular at the following exemplary locations: “isoprenoid precursor”: page 2, lines 25-26; “host cell”: page 7, lines 3-9; “recoverable amount of at least about 1mg/L”: Figures 2 and 4; “recovering the produced isoprenoid”: page 19, line 27 to page 20, line 1; page 20, lines 5-9; and Examples 3-5. Accordingly, no new matter is added by these amendments.

Claims 12 and 86 are canceled without prejudice to renewal, without intent to acquiesce to any rejection, and without intent to surrender any subject matter encompassed by the canceled claims. Applicants expressly reserve the right to pursue any canceled subject matter in one or more continuation and/or divisional applications.

Claims 91-102 are added. Support for new claims 91-102 is found in the claims as originally filed, and throughout the specification, including the following exemplary locations: page 20, lines 15-25; Figures 2 and 4; page 21, lines 1-20; and Examples 3-5. Accordingly, no new matter is added by these new claims.

Applicants respectfully request reconsideration of the application in view of the remarks made herein.

### **PTO SB-08A forms**

Applicants respectfully request that the Examiner initial and return the PTO SB-08A forms submitted with the Information Disclosure Statements filed on December 22, 2005 and May 30, 2006 in this application, thereby indicating that the references cited therein have been reviewed and made of record.

Examiner Interview

The undersigned Applicants' representative thanks Examiner P. Achutamurthy and Examiner C. Fronda for the courtesy of an in-person interview which took place on September 5, 2006, and which was attended by Examiner Achutamurthy, Examiner Fronda, Dr. Jack Newman, Christine Ring, Vern Norviel, Karen Wong, and Applicants' representative Paula A. Borden.

During the interview, the rejection under 35 U.S.C. § 103(a) was discussed. It is the undersigned's understanding that the arguments presented in the response filed on May 30, 2006 overcome the 35 U.S.C. § 103(a) rejection of record; and that the rejection under 35 U.S.C. § 103(a) will be withdrawn.

During the interview, the rejection of claims 15-21 under 35 U.S.C. § 112, second paragraph, was discussed. It is the undersigned's understanding that Examiners Achutamurthy and Fronda agreed that the amendment to claim 15, made in the amendment filed on May 30, 2006, adequately addressed the rejection under 35 U.S.C. § 112, second paragraph.

During the interview, the claim language was discussed; and the claim amendments presented above were discussed.

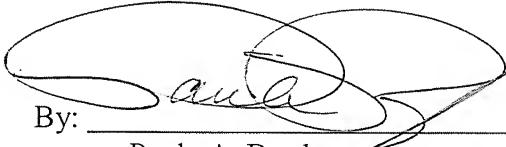
### III. CONCLUSION

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number BERK-036.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: Sept. 8, 2006

By: 

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